

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JULIE DALESSIO, an individual,

Plaintiff,

v.

UNIVERSITY OF WASHINGTON, a
Washington Public Corporation; Eliza
Saunders, Director of the Office of Public
Records, in her personal and official
capacity; Alison Swenson, Compliance
Analyst, in her personal capacity; Perry
Tapper, Public Records Compliance
Officer, in his personal capacity; Andrew
Palmer, Compliance Analyst, in his
personal capacity; John or Jane Does 1-12,
in his or her personal capacity,

Defendants.

No. 2:17-cv-00642-MJP

PLAINTIFF'S SECOND SET OF
DISCOVERY REQUESTS ***WITH***
OBJECTIONS AND RESPONSES

Comes now, Ms. Julie Dalessio, through her attorney Joseph Thomas, submits the
following Interrogatories and Requests for Production of Documents pursuant to Fed. R. Civil P.
33 and 34.

I. INTERROGATORIES. In accordance with Rule 33 of the Federal Rules of Civil
Procedure, you are required to answer the following interrogatories under oath within thirty (30)
days after you receive them. These interrogatories are intended to discover information and/or

PLAINTIFF'S SECOND SET OF
DISCOVERY REQUESTS ***WITH***
OBJECTIONS AND RESPONSES

1

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documents not only within your personal knowledge or obtainable by you, but also information in possession of or obtainable by your attorneys, investigators, representatives, employees, agents, or anyone acting on your behalf or on their behalf.

These interrogatories are continuing in nature and any information which may be discovered by you subsequent to the service and filing of your answers must be brought to the attention of Plaintiff's attorney through supplemental answers when it becomes available to you. If there are any additions, deletions, or changes in the answers or information provided at any time prior to hearing you are specifically requested to immediately inform Plaintiff's attorney. If such information is not furnished, Plaintiff's attorney at the time of the hearing will move to exclude from evidence such information requested and not furnished.

When you answer to any interrogatory is based in whole or in part upon information supplied by an individual other than one appointed by you to sign and verify the answers, please specifically so state as part of your answer to that interrogatory and give that individual's name, address, and employment or other relationship with you.

If in responding to or failing to respond to these interrogatories and requests for production you invoke or rely upon any privilege of any kind, state specifically the nature of the privilege; the basis upon which you invoke, rely upon or claim it, including any statutory or decisional reference; and identify all documents or other information, including contacts and communications which you believe to be embraced by the privilege invoked.

II. Request for Production of Documents. In accordance with Rule 34 of the Federal Rules of Civil Procedure, the Defendant must provide Plaintiff's attorney a copy of the requested documents, identified by the request number, within thirty (30) days of your receipt of this request. If a request is made for documents which are no longer in Defendants' possession, please state when such documents were most recently in the possession of the Defendant, and what disposition, if any, was made of them. If such documents have been destroyed, please identify the person who destroyed them and the date of and reasons for their destruction.

Please provide complete answers and attach additional pages as needed. If records are

1 available in electronic format, then please provide the records in electronic format.

2 GENERAL INSTRUCTIONS

3 If your answer to any interrogatory is “N/A” or “Not Applicable”, describe in detail your
4 reasons for making such a reply.

5 In reply to any interrogatory, do not merely state “see attached records” unless you have
6 no additional memory of the matters referenced to in the interrogatory. If you have any additional
7 memory of the relevant events, describe it in detail.

8 If records are available in electronic format, then please provide the records in electronic
9 format.

10 DEFINITIONS

11 For purposes of this discovery request the following abbreviations and definitions shall
12 apply.

13 1. The terms “you” and “your” mean the party to whom these interrogatories are
14 addressed, and your attorneys, agents, employees, representatives, investigators, and any other
15 person who is in possession of, or who has obtained information on your behalf.

16 2. The term “document” means any information stored in any form; any written,
17 recorded or graphic matter, however produced or reproduced; and copies and drafts thereof.
18 Without limiting the foregoing, “document” includes correspondence; telegrams; memoranda;
19 reports; notes; drafts; minutes; contracts; agreements; books; records; vouchers; invoices; diaries;
20 logs; calendar notes; computer printouts; memory programs; information stored in any data
21 processing or word processing system in whatever form; backup materials of any kind; card files;
22 press clippings; newspapers or newsletters; sworn or unsworn statements or employees; lists;
23 audits; tables of organization; deposit slips; monthly or other periodic statements; ledgers;
24 journals; notices; affidavits; court papers; appointment books; minutes or records of conferences
25 or telephone calls; brochures; receipts; written reports or opinions of investigators or experts;
26 status reports; drawings; charts; photographs; negatives; or tape recordings within your
27 possession, or subject to your control, of which you have knowledge, or to which you now have,

1 or have had access, or of which any of your agents, attorneys, accountants, or consultants have
 2 knowledge. A comment or notation appearing on any document, not part of the original text, is to
 3 be considered as a separate “document.”

4 3. The term “identify” and “fully describe” mean:

5 a. When referring to a natural person, state his/her full name, his/her present or last
 6 known business or home address if there is no business address.

7 b. When referring to a document, state its title and date; identify the author or person
 8 who prepared it and any signatories to it; give the type of document (e.g., letter, memorandum,
 9 invoice); its present location and custodian; a summary of its contents, or principal terms and
 10 provisions; the identity of its addressees and all other persons receiving it or copies of it. If the
 11 document so identified was, but is not any longer, in your possession, custody and control, state
 12 what disposition has been made of it. Attach a copy of it to your response to these
 13 interrogatories.

14 c. When referring to an act, transaction, event, incident, communication,
 15 conversation or occasion, fully describe the matter. State its date and place of occurrence (or if a
 16 telephone call is involved, so state and provide the identity and location of all parties and identify
 17 the person who initiated the call); identify each person participating in or witnessing the event;
 18 describe in detail all circumstances leading up to or surrounding it; describe in detail what
 19 occurred or transpired, and what was said by whom; and, identify all documents summarizing,
 20 recording, reflecting, reporting, or containing a reference to it.

21 Dated this 27 day of September 2018.

22
 23 /s/ Joseph Thomas

24 Joseph Thomas

25 Attorney for Plaintiff

PRELIMINARY OBJECTIONS

Defendants object to the preambulatory language and “instructions” in that they attempt to impose obligations beyond those found in the civil rules. Defendants will respond pursuant to Fed.R.Civ.P. 16, 26, 33 and 34. Defendants also object to Plaintiff’s requirement that they use citations to documents in the Court records to respond to discovery. Defendants also filed a request for a Protective Order staying this set of discovery requests pending a ruling on Defendants’ Motion for Summary Judgment noted for hearing on November 16, 2018. The basis for the requested Protective Order is set forth in Dkts. 111 and 113 (Defendants’ Opposition to Plaintiff’s Motion to Compel Initial Disclosures and Dec. of Freeman] and Dkts. 117, 118 (Defendants’ Motion for Protective Order and Dec. of Chen).

INTERROGATORIES

7. Please fully explain and identify the current and past “Privacy Officials” responsible for the documents disclosed in the public records requests for information pertaining to Julie Dalessio. When identifying which documents are the responsibility of each privacy officer, please refer to the documents already filed with the court as: Dkts 32, 33, 34, and 38.

This interrogatory is addressed separately to and should be answered separately by:

- A. University of Washington
- B. Eliza Saunders
- C. Perry Tapper
- D. Alison Swenson
- E. Andrew Palmer
- F. John or Jane Does 1-12

RESPONSE: OBJECTION. Vague and confusing (“Privacy Officials”); Relevance;

Not Likely to Lead to the Discovery of Admissible Evidence; Not Proportional to the Needs of the Case; Scope (“current and past”); Overbroad. It is entirely unclear who Plaintiff is referring to as a “Privacy Official.” No one in the Office of Public Records, and certainly no one identified as being involved in this lawsuit, holds the title of “Privacy Official.” While the University of Washington does have a newly-formed Privacy Office, it was not created until after even the 16-00760 PRA request (by Ms. Dalessio for records related to her own employment only), and therefore would have no relevance to the claims in this lawsuit. Plaintiff is aware of all of the individuals involved in handling Ms. Dalessio’s requests, and has been for a long time. Defendant reserves the right to supplement this response if Plaintiff decides to clarify this request.

8. Please fully describe how you personally, each of the Defendants, respond to the release of University records pursuant to bates stamped documents UW 004462-004467. This is also referred to as the administrative policy statement 57.9.

This interrogatory is addressed separately to and should be answered separately by:

A. University of Washington

B. Eliza Saunders

C. Perry Tapper

D. Alison Swenson

E. Andrew Palmer

F. John or Jane Does 1-12

RESPONSE: OBJECTION. Vague and confusing (“how you personally, each of the Defendants, respond to the release of University records”); Relevance; Not Likely to Lead to the Discovery of Admissible Evidence. Compliance Specialists such as Alison Swenson and Andrew Palmer respond to Public Records Act (PRA) *requests*, not *responses released*. They are the individuals who produce the responses pursuant to their

1 job duties as Analysts. Defendants interpret this question as asking each individual's
 2 process for responding to a PRA request and will answer in turn. Without waiving said
 3 objections:

4 A. University of Washington – The University of Washington is a non-human
 5 public entity and responds to PRA requests through its employees.

6 B. Eliza Saunders - serves as the Director for the Office of Public Records and
 7 Open Public Meetings. She does not typically prepare responses to public records requests
 8 herself, but may provide advice or answer questions as needed pursuant to the
 9 requirements of RCW Ch. 42.56.

10 C. Perry Tapper - Mr. Tapper serves as a Compliance Officer for the Office of
 11 Public Records and Open Public Meetings. He does not typically prepare responses to
 12 public records requests himself, but may provide advice or answer questions as needed
 13 pursuant to the requirements of RCW Ch. 42.56.

14 D. Alison Swenson - Ms. Swenson prepares responses to Public Records Requests
 15 pursuant to the requirements of RCW Ch. 42.56. Ms. Swenson prepared the responses to
 16 the “Betz” request (PR-2015-570), and the process she followed is outlined in the related
 17 Case Summary Report, response letter listing exemptions and withheld documents, and
 18 the transmittal emails requesting searches for documents to various University
 19 Departments, as well as response emails from various Departments reporting the results of
 20 such searches and/or transmitting copies of records to her in the OPR. These documents
 21 have already been produced to Plaintiff. See, UW00004-000392, UW002001-00231,
 22 UW002953-002959.

23 E. Andrew Palmer - Mr. Palmer prepares responses to Public Records Requests
 24 pursuant to the requirements of RCW Ch. 42.56.

25 F. John or Jane Does 1-12 - **OBJECTION. Relevance; Not Likely to Lead to the**
 26 **Discovery of Admissible Evidence; Impossible.** These individuals have not been
 27 named. Therefore, they cannot be located and questioned.

9. Please fully explain Shari Spung's pre-production involvement in the University of Washington's response to Public Records Act requests. This should include, but is not limited to, explaining if Ms. Spung's involvement is routine, and also, what circumstances does Ms. Spung become involved in the pre-production under the Public Records Act.

This interrogatory is addressed separately to and should be answered separately by:

A. University of Washington

B. Eliza Saunders

C. Perry Tapper

D. Alison Swenson

E. Andrew Palmer

F. John or Jane Does 1-12

RESPONSE: OBJECTION. Privileged and/or Confidential; Lack of Personal Knowledge; Relevance; Not Likely to Lead to the Discovery of Admissible Evidence; Not Proportional to the Needs of the Case; Vague ("pre-production involvement", "routine."); Compound; Overbroad. Shari Spung was the senior claims adjuster in Risk Management assigned to handle Ms. Dalessio's tort claim for damages. Every Public Records Act (PRA) request has differing subject matters, and therefore it is impossible to answer whether it is "routine" that Shari Spung becomes "involved" in responding to PRA requests, or what her involvement would be in any given response if she was involved. Further, the Individual Defendants do not have personal knowledge regarding this information, and would not be expected to. Defendants are unable to answer the question as currently posed, but reserve the right to supplement their answer if Plaintiff is permitted to reframe this question or asks a clearer question.

In regards to the release of public records in this matter, Mr. Betz submitted a public records request to the University's OPR on September 16, 2015 and OPR Analyst Alison

Swenson produced responses to him on November 10 and December 4, 2015. Ms. Swenson also received PR-16-283 from Ms. Dalessio dated March 25, 2016 and sent a response dated April 16, 2016.

Ms. Dalessio filed a claim with the University on October 21, 2016. Ms. Spung was not involved in any matters related to Ms. Dalessio prior to that time. Subsequently, nor was Ms. Spung “involved” in responding to subsequent public records requests after the tort claim was filed; she was involved in investigation and response to the tort claim and this litigation initiated by a lawsuit filed by Plaintiff in 2017, including issuing “litigation hold” notices and collecting documents for litigation and discovery purposes. See also, Dkt. 113, ¶38.

I, _____, am the _____ of County, Defendant in the above-named lawsuit. I have reviewed the answers to _____, and I declare under the penalty of perjury under the laws of the state of Washington that they are true and correct to the best of my knowledge and belief.

I, _____, am the _____ of, Defendant in the above-named lawsuit. I have reviewed the answers to _____, and I declare under the penalty of perjury under the laws of the state of Washington that they are true and correct to the best of my knowledge and belief.

I, _____, am the _____, Defendant in the above-named lawsuit. I have reviewed the answers to _____, and I declare under the penalty of perjury under the laws of the state of Washington that they are true and correct to the best of my knowledge and belief.

I, _____, am the _____, Defendant in the above-named lawsuit. I have reviewed the answers to _____, and I declare under the

1 penalty of perjury under the laws of the state of Washington that they are true and correct to the
2 best of my knowledge and belief.

3
4 I, _____, am the _____ of County, Defendant in the
5 above-named lawsuit. I have reviewed the answers to _____, and I declare
6 under the penalty of perjury under the laws of the state of Washington that they are true and
7 correct to the best of my knowledge and belief.

8
9 I, _____, am the _____ of County, Defendant in the
10 above-named lawsuit. I have reviewed the answers to _____, and I declare
11 under the penalty of perjury under the laws of the state of Washington that they are true and
12 correct to the best of my knowledge and belief.

13 **REQUESTS FOR PRODUCTION**

14 16. Please produce all documents that were used to collect, documents collected, and
15 documents produced to the requestor for Public Records Act request PR 2017-00357.

16 **RESPONSE: OBJECTION.** Duplicative; may call for privileged/confidential
17 documents; harassing; not proportional to the needs of the case; not likely to lead to
18 the discovery of admissible evidence; relevance; overbroad. This PRA request is not
19 at issue in this lawsuit, was submitted after the lawsuit was filed, and Plaintiff already has
20 most and/or all of these documents related to the request and response/production process.
21 See documents produced in response to Plaintiff's Request for Production No. 15 in
22 Plaintiff's First Set of Interrogatories and Requests for Production of Documents
23 (UW004181-UW004451). In addition, Plaintiff was the requestor for this PRA request,
24 and therefore already has all documents produced to the requestor. Finally, documents
25 collected but not produced fall under a PRA exemption and may be
26 privileged/confidential. As Plaintiff's lawsuit is regarding *overproduction* with respect to
27 one specific PRA request, specific documents withheld in response to different PRA

requests are not relevant to Plaintiff's claims in this case.

17. Please produce all documents that were used to collect, documents collected, and documents produced to the requestor for Public Records Act request PR 2017-00358.

RESPONSE: OBJECTION. Duplicative; may call for privileged/confidential documents; harassing; not proportional to the needs of the case; not likely to lead to the discovery of admissible evidence; relevance; overbroad. This PRA request is not at issue in this lawsuit, was submitted after the lawsuit was filed, and Plaintiff already has most and/or all of these documents related to the request and response/production process. See documents produced in response to Plaintiff's Request for Production No. 15 in Plaintiff's First Set of Interrogatories and Requests for Production of Documents (UW004181-UW004451). In addition, Plaintiff was the requestor for this PRA request, and therefore already has all documents produced to the requestor. Finally, documents collected but not produced fall under a PRA exemption and may be privileged/confidential. As Plaintiff's lawsuit is regarding *overproduction* with respect to one specific PRA request, specific documents withheld in response to different PRA requests are not relevant to Plaintiff's claims in this case.

18. Please produce all documents that were used to collect, documents collected, and documents produced to the requestor for Public Records Act request PR 2017-00359.

RESPONSE: OBJECTION. Duplicative; may call for privileged/confidential documents; harassing; not proportional to the needs of the case; not likely to lead to the discovery of admissible evidence; relevance; overbroad. This PRA request is not at issue in this lawsuit, was submitted after the lawsuit was filed, and Plaintiff already has most and/or all of these documents related to the request and response/production process. See documents produced in response to Plaintiff's Request for Production No. 15 in Plaintiff's First Set of Interrogatories and Requests for Production of Documents

(UW004181-UW004451). In addition, Plaintiff was the requestor for this PRA request, and therefore already has all documents produced to the requestor. Finally, documents collected but not produced fall under a PRA exemption and may be privileged/confidential. As Plaintiff's lawsuit is regarding *overproduction* with respect to one specific PRA request, specific documents withheld in response to different PRA requests are not relevant to Plaintiff's claims in this case.

19. Please produce all documents that were used to collect, documents collected, and documents produced to the requestor for Public Records Act request PR 2017-00822.

RESPONSE: OBJECTION. Duplicative; may call for privileged/confidential documents; harassing; not proportional to the needs of the case; not likely to lead to the discovery of admissible evidence; relevance; overbroad. This PRA request is not at issue in this lawsuit, was submitted after the lawsuit was filed, and Plaintiff already has most and/or all of these documents related to the request and response/production process. See documents produced in response to Plaintiff's Request for Production No. 15 in Plaintiff's First Set of Interrogatories and Requests for Production of Documents (UW004181-UW004451). In addition, Plaintiff was the requestor for this PRA request, and therefore already has all documents produced to the requestor. Finally, documents collected but not produced fall under a PRA exemption and may be privileged/confidential. As Plaintiff's lawsuit is regarding *overproduction* with respect to one specific PRA request, specific documents withheld in response to different PRA requests are not relevant to Plaintiff's claims in this case.

20. Please produce all documents that were used to collect, documents collected, and documents produced to the requestor for Public Records Act request PR 2017-00803.

RESPONSE: OBJECTION. Duplicative; may call for privileged/confidential documents; harassing; not proportional to the needs of the case; not likely to lead to

1 **the discovery of admissible evidence; relevance; overbroad.** This PRA request is not
 2 at issue in this lawsuit, was submitted after the lawsuit was filed, and Plaintiff already has
 3 most and/or all of these documents related to the request and response/production process
 4 . See documents produced in response to Plaintiff's Request for Production No. 15 in
 5 Plaintiff's First Set of Interrogatories and Requests for Production of Documents
 6 (UW004181-UW004451). In addition, Plaintiff was the requestor for this PRA request,
 7 and therefore already has all documents produced to the requestor. Finally, documents
 8 collected but not produced fall under a PRA exemption and may be
 9 privileged/confidential. As Plaintiff's lawsuit is regarding *overproduction* with respect to
 10 one specific PRA request, specific documents withheld in response to different PRA
 11 requests are not relevant to Plaintiff's claims in this case.

12
 13 21. Please produce all documents that were used to collect, documents collected, and
 14 documents produced to the requestor for Public Records Act request PR 2018-00253.

15 **RESPONSE: OBJECTION. May call for privileged/confidential documents;**
 16 **harassing; not proportional to the needs of the case; not likely to lead to the**
 17 **discovery of admissible evidence; relevance; overbroad.** This PRA request is not at
 18 issue in this lawsuit, was submitted after the lawsuit was filed, and Plaintiff already has
 19 most and/or all of these documents related to the request and response/production process
 20 . Plaintiff was the requestor for this PRA request, and therefore already has all documents
 21 produced to the requestor. Finally, documents collected but not produced fall under a
 22 PRA exemption and may be privileged/confidential. As Plaintiff's lawsuit is regarding
 23 *overproduction* with respect to one specific PRA request, specific documents withheld in
 24 response to different PRA requests are not relevant to Plaintiff's claims in this case.

25
 26 22. Please produce all documents that were used to collect, documents collected, and
 27 documents produced to the requestor for Public Records Act request PR 2017-00738.

RESPONSE: OBJECTION. Duplicative; may call for privileged/confidential documents; harassing; not proportional to the needs of the case; not likely to lead to the discovery of admissible evidence; relevance; overbroad. This PRA request is not at issue in this lawsuit, was submitted after the lawsuit was filed, and Plaintiff already has most and/or all of these documents related to the request and response/production process. See documents produced in response to Plaintiff's Request for Production No. 15 in Plaintiff's First Set of Interrogatories and Requests for Production of Documents (UW004181-UW004451). In addition, Plaintiff was the requestor for this PRA request, and therefore already has all documents produced to the requestor. Finally, documents collected but not produced fall under a PRA exemption and may be privileged/confidential. As Plaintiff's lawsuit is regarding *overproduction* with respect to one specific PRA request, specific documents withheld in response to different PRA requests are not relevant to Plaintiff's claims in this case.

23. Please produce all documents that were used to collect, documents collected, and documents produced to the requestor for Public Records Act request PR 2017-00737.

RESPONSE: OBJECTION. Duplicative; may call for privileged/confidential documents; harassing; not proportional to the needs of the case; not likely to lead to the discovery of admissible evidence; relevance; overbroad. This PRA request is not at issue in this lawsuit, was submitted after the lawsuit was filed, and Plaintiff already has most and/or all of these documents related to the request and response/production process. See documents produced in response to Plaintiff's Request for Production No. 15 in Plaintiff's First Set of Interrogatories and Requests for Production of Documents (UW004181-UW004451). In addition, Plaintiff was the requestor for this PRA request, and therefore already has all documents produced to the requestor. Finally, documents collected but not produced fall under a PRA exemption and may be privileged/confidential. As Plaintiff's lawsuit is regarding *overproduction* with respect to

one specific PRA request, specific documents withheld in response to different PRA requests are not relevant to Plaintiff's claims in this case.

24. Please produce all documents that identify Shari Spung, an employee of Risk Services at the University of Washington, has been involved in Public Records Act production of documents from January 01, 2011 to January 01, 2018.

RESPONSE: OBJECTION. Duplicative; may call for privileged/confidential/work product or attorney-client communication documents; harassing; not proportional to the needs of this case; not likely to lead to the discovery of admissible evidence; relevance; overbroad. Defendants have already provided documents discussing Senior Claims Adjuster Shari Spung's "involvement," related to Ms. Dalessio, which consisted of receiving, investigating, and responding to Ms. Dalessio's October 21, 2016 Tort Claim submitted as a condition precedent required by RCW Ch. 4.92.100 prior to filing this lawsuit against a state agency and its agents, and as authorized by RCW 4.92.210. See UW1981-1988. Ms. Spung's "involvement" in any other PRA request to it is no relevant to Plaintiff's claims, especially given the scope of her involvement in this case.

25. Please produce all documents identifying any current attorney-client relationship with Christine Taylor who was mentioned by Defendants in the initial disclosures for this above entitled lawsuit.

RESPONSE: OBJECTION. May call for privileged/confidential documents; not likely to lead to the discovery of admissible evidence; relevance; harassing; overbroad; vague and confusing. Defendants cannot speak to any attorney-client relationship this individual may be involved in, and any attorney-client relationship unrelated to this lawsuit would have little to no relevance in this litigation. Without waiving said objections, Christine Taylor does not currently have an attorney-client

relationship with Jayne Freeman or Derek Chen at Keating, Bucklin & McCormack at this time. Ms. Taylor was not involved in responding to the public records requests at issue in this case; her only involvement was in assisting counsel in searching for and locating documents for potential production with Initial Disclosures or potentially responsive to discovery requests.

26. Please produce all documents identifying any current attorney-client relationship with Marcelo Collantes who was mentioned by Defendants in the initial disclosures for this above entitled lawsuit.

RESPONSE: OBJECTION. May call for privileged/confidential documents; not likely to lead to the discovery of admissible evidence; relevance; harassing; overbroad; vague and confusing. Defendants cannot speak to any attorney-client relationship this individual may be involved in, and any attorney-client relationship unrelated to this lawsuit would have little to no relevance in this litigation. Without waiving said objections, Marcelo Collantes does not currently have an attorney-client relationship with Jayne Freeman or Derek Chen at Keating, Bucklin & McCormack at this time. Mr. Collantes was not involved in responding to the public records requests at issue in this case; his only involvement was in assisting counsel in searching for and locating documents for potential production with Initial Disclosures or potentially responsive to discovery requests.

27. Please produce all documents identifying any current attorney-client relationship with Daisy Rendorio who was mentioned by Defendants in the initial disclosures for this above entitled lawsuit.

RESPONSE: OBJECTION. May call for privileged/confidential documents; not likely to lead to the discovery of admissible evidence; relevance; harassing; overbroad; vague and confusing. Defendants cannot speak to any attorney-client

relationship this individual may be involved in, and any attorney-client relationship unrelated to this lawsuit would have little to no relevance in this litigation. Without waiving said objections, Daisy Rendorio does not currently have an attorney-client relationship with Jayne Freeman or Derek Chen at Keating, Bucklin & McCormack at this time. Ms. Rendorio was not involved in responding to the public records requests at issue in this case; her only involvement was in assisting counsel in searching for and locating documents for potential production with Initial Disclosures or potentially responsive to discovery requests.

28. Please produce all documents identifying any current attorney-client relationship with Karen Holloway who was mentioned by Defendants in the initial disclosures for this above entitled lawsuit.

RESPONSE: OBJECTION. May call for privileged/confidential documents; not likely to lead to the discovery of admissible evidence; relevance; harassing; overbroad; vague and confusing. Defendants cannot speak to any attorney-client relationship this individual may be involved in, and any attorney-client relationship unrelated to this lawsuit would have little to no relevance in this litigation. Without waiving said objections, Karen Holloway does not currently have an attorney-client relationship with Jayne Freeman or Derek Chen at Keating, Bucklin & McCormack at this time. She is no longer employed at the University of Washington.

29. Please produce all documents identifying any current attorney-client relationship with Ana Marie Keeney who was mentioned by Defendants in the initial disclosures for this above entitled lawsuit.

RESPONSE: OBJECTION. May call for privileged/confidential documents; not likely to lead to the discovery of admissible evidence; relevance; harassing; overbroad; vague and confusing. Defendants cannot speak to any attorney-client

relationship this individual may be involved in, and any attorney-client relationship unrelated to this lawsuit would have little to no relevance in this litigation. Without waiving said objections, Ana Marie Keeney does not currently have an attorney-client relationship with Jayne Freeman or Derek Chen at Keating, Bucklin & McCormack at this time. Ms. Keeney was not involved in responding to the public records requests at issue in this case; her only involvement was in assisting counsel in searching for and locating documents for potential production with Initial Disclosures or potentially responsive to discovery requests.

30. Please produce all documents identifying any current attorney-client relationship with Toni Kemp who was mentioned by Defendants in the initial disclosures for this above entitled lawsuit.

RESPONSE: OBJECTION. May call for privileged/confidential documents; not likely to lead to the discovery of admissible evidence; relevance; harassing; overbroad; vague and confusing. To the extent Ms. Kemp worked as an administrative assistant to Shari Spung, Senior Risk Manager, and participated in attorney/client communications and work product related to tort claim investigation, litigation, and discovery on behalf of the University as authorized by RCW 4.92.210, she was part of an attorney-client relationship with defense counsel and the Attorney General's Office. Without waiving said objections, Toni Kemp does not currently have an attorney-client relationship with Jayne Freeman or Derek Chen at Keating, Bucklin & McCormack at this time, as Ms. Kemp no longer works for the University of Washington.

31. Please produce all documents identifying any current attorney-client relationship with Cynthia Dold who was mentioned by Defendants in the initial disclosures for this above entitled lawsuit.

RESPONSE: OBJECTION. May call for privileged/confidential documents; not

likely to lead to the discovery of admissible evidence; relevance; harassing; overbroad; vague and confusing. Due to the nature of her position as Director of Strategic Planning and Clinical Integration for UW Medicine, Ms. Dold would likely be considered an agent subject to the University's attorney/client relationship if she holds information relevant to this litigation; however, as previously explained, it appears that while staff in her department may have searched for and/or provided information regarding public records requests related to this matter, she did not personally do so herself. See also, Dkt. 113, ¶¶27-29.

32. Please produce all documents identifying any current attorney-client relationship with Lori Oliver who was mentioned by Defendants in the initial disclosures for this above entitled lawsuit.

RESPONSE: OBJECTION. May call for privileged/confidential documents; not likely to lead to the discovery of admissible evidence; relevance; harassing; overbroad; vague and confusing. Due to the nature of her position as Strategic Clinical Business Officer for the University of Washington School of Medicine, Ms. Oliver would likely be considered an agent subject to the University's attorney/client relationship if she holds information relevant to this litigation; however, as previously explained, it appears that while staff in her department may have searched for and/or provided information regarding public records requests related to this matter, she did not personally do so herself. See also, Dkt. 113, ¶¶27-29.

33. Please produce all documents identifying any current attorney-client relationship with Mindy Kornberg who was mentioned by Defendants in the initial disclosures for this above entitled lawsuit.

RESPONSE: OBJECTION. May call for privileged/confidential documents; not likely to lead to the discovery of admissible evidence; relevance; harassing;

overbroad; vague and confusing. Due to the nature of her position as Vice President, University Finance & Administration, Ms. Kornberg would likely be considered an agent subject to the University's attorney/client relationship if she holds information relevant to this litigation; however, as previously explained, it appears that while staff in her department may have searched for and/or provided information regarding public records requests related to this matter, she did not personally do so herself. See also, Dkt. 113, ¶27-29.

34. Please produce all documents identifying any current attorney-client relationship with Barb Benson who was mentioned by Defendants in the initial disclosures for this above entitled lawsuit.

RESPONSE: OBJECTION. May call for privileged/confidential documents; not likely to lead to the discovery of admissible evidence; relevance; harassing; **overbroad; vague and confusing.** Due to the nature of her position as Director of Enterprise Services for the University of Washington, Ms. Benson would likely be considered an agent subject to the University's attorney/client relationship if she holds information relevant to this litigation; however, as previously explained, it appears she was not involved in the subject public records requests. See also, Dkt. 113, ¶27-29.

35. Please produce all documents identifying legal authority to support Defendants claimed defense that Plaintiff's breach of contract claim is barred by a statute of limitations.

RESPONSE: OBJECTION. This request calls solely for legal opinion and attorney work product, which Defendants are not required to provide in discovery to an opposing party. See, FRCP 26(b) (parties may only obtain discovery regarding non-privileged matters); FRCP 26(b)(3)(B); *Republic of Ecuador v. Mackay*, 742 F.3d 860, 866 (9th Cir. 2014) ("If the court orders discovery ... it must protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of a party's attorney or

other representative concerning the litigation”); *Ryan v. Editions Ltd. W., Inc.*, 2007 WL 2348724, at *3 (N.D. Cal. Aug. 14, 2007), aff’d, 417 F. App’x 699 (9th Cir. 2011)(“... legal opinions are protected by the attorney client privilege and any news articles or other published works would be protected by the work product immunity.”

Without waiving this objection, see RCW 4.16.005.

36. Please produce all documents identifying facts to support Defendants claimed defense that Plaintiff’s breach of contract claim is barred by a statute of limitations.

RESPONSE: OBJECTION. Calls for a dress-rehearsal of trial. “[T]he opposing party cannot be required to put on a dress rehearsal of the trial. While it is proper to elicit information as to evidentiary facts as contrasted with ultimate facts, **nevertheless it is improper to ask a party to state evidence upon which he intends to rely to prove any fact or facts.**” *Weber v. Biddle*, 72 Wash. 2d 22, 29, 431 P.2d 705, 710–11 (1967) (Emphasis added.). Without waiving the foregoing objection, see, Dkt. 81, ¶¶91-92, Dkt. 1.1 (lawsuit filed in 2017), and UW1937-UW1940)(2003 Settlement Agreement).

37. Please produce all documents identifying facts to support Defendants claimed defense that Plaintiff has failed to mitigate any damages.

RESPONSE: OBJECTION. Calls for a dress-rehearsal of trial. “[T]he opposing party cannot be required to put on a dress rehearsal of the trial. While it is proper to elicit information as to evidentiary facts as contrasted with ultimate facts, **nevertheless it is improper to ask a party to state evidence upon which he intends to rely to prove any fact or facts.**” *Weber v. Biddle*, 72 Wash. 2d 22, 29, 431 P.2d 705, 710–11 (1967) (Emphasis added.)

38. Please produce all documents identifying legal authority to support Defendants claimed

1 defense that Plaintiff had any obligation to mitigate any damages.

2 **RESPONSE: OBJECTION** This request calls solely for legal opinion and
 3 attorney work product, which Defendants are not required to provide in discovery to an
 4 opposing party. See, FRCP 26(b) (parties may only obtain discovery regarding non-
 5 privileged matters); FRCP 26(b)(3)(B); *Republic of Ecuador v. Mackay*, 742 F.3d 860,
 6 866 (9th Cir. 2014) (“If the court orders discovery ... it must protect against disclosure of
 7 the mental impressions, conclusions, opinions, or legal theories of a party's attorney or
 8 other representative concerning the litigation”); *Ryan v. Editions Ltd. W., Inc.*, 2007 WL
 9 2348724, at *3 (N.D. Cal. Aug. 14, 2007), *aff'd*, 417 F. App'x 699 (9th Cir. 2011)(“...
 10 legal opinions are protected by the attorney client privilege and any news articles or other
 11 published works would be protected by the work product immunity.”

12
 13 39. Please produce all documents identifying legal authority to support Defendants claimed
 14 defense that Defendant University of Washington is entitled to an offset of awards from
 15 Plaintiff.

16 **RESPONSE: OBJECTION.** **Calls for a dress-rehearsal of trial.** “[T]he
 17 opposing party cannot be required to put on a dress rehearsal of the trial. While it is proper
 18 to elicit information as to evidentiary facts as contrasted with ultimate facts, **nevertheless**
 19 **it is improper to ask a party to state evidence upon which he intends to rely to prove**
 20 **any fact or facts.”** *Weber v. Biddle*, 72 Wash. 2d 22, 29, 431 P.2d 705, 710–11 (1967)
 21 (Emphasis added.). This request calls solely for legal opinion and attorney work product,
 22 which Defendants are not required to provide in discovery to an opposing party. See,
 23 FRCP 26(b) (parties may only obtain discovery regarding non-privileged matters); FRCP
 24 26(b)(3)(B); *Republic of Ecuador v. Mackay*, 742 F.3d 860, 866 (9th Cir. 2014) (“If the
 25 court orders discovery ... it must protect against disclosure of the mental impressions,
 26 conclusions, opinions, or legal theories of a party's attorney or other representative
 27 concerning the litigation”); *Ryan v. Editions Ltd. W., Inc.*, 2007 WL 2348724, at *3 (N.D.

Cal. Aug. 14, 2007), aff'd, 417 F. App'x 699 (9th Cir. 2011)(“... legal opinions are protected by the attorney client privilege and any news articles or other published works would be protected by the work product immunity.”

40. Please produce all documents identifying facts to support Defendants claimed defense that Defendant University of Washington is entitled to an offset of awards from Plaintiff.

RESPONSE: OBJECTION. Calls for a dress-rehearsal of trial. “[T]he opposing party cannot be required to put on a dress rehearsal of the trial. While it is proper to elicit information as to evidentiary facts as contrasted with ultimate facts, **nevertheless it is improper to ask a party to state evidence upon which he intends to rely to prove any fact or facts.**” *Weber v. Biddle*, 72 Wash. 2d 22, 29, 431 P.2d 705, 710–11 (1967) (Emphasis added.). Without waiving the foregoing object, see UW1937-UW1940)(2003 Settlement Agreement).

41. Please produce all documents identifying legal authority to support Defendants claimed defense of qualified immunity for federal claims.

RESPONSE: OBJECTION. This request calls solely for legal opinion and attorney work product, which Defendants are not required to provide in discovery to an opposing party. See, FRCP 26(b) (parties may only obtain discovery regarding non-privileged matters); FRCP 26(b)(3)(B); *Republic of Ecuador v. Mackay*, 742 F.3d 860, 866 (9th Cir. 2014) (“If the court orders discovery ... it must protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of a party's attorney or other representative concerning the litigation”); *Ryan v. Editions Ltd. W., Inc.*, 2007 WL 2348724, at *3 (N.D. Cal. Aug. 14, 2007), aff'd, 417 F. App'x 699 (9th Cir. 2011)(“... legal opinions are protected by the attorney client privilege and any news articles or other published works would be protected by the work product immunity.”

42. Please produce all documents identifying legal authority to support Defendants claimed defense of good faith immunity for state law claims.

RESPONSE: OBJECTION. This request calls solely for legal opinion and attorney work product, which Defendants are not required to provide in discovery to an opposing party. See, FRCP 26(b) (parties may only obtain discovery regarding non-privileged matters); FRCP 26(b)(3)(B); *Republic of Ecuador v. Mackay*, 742 F.3d 860, 866 (9th Cir. 2014) (“If the court orders discovery ... it must protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of a party's attorney or other representative concerning the litigation”); *Ryan v. Editions Ltd. W., Inc.*, 2007 WL 2348724, at *3 (N.D. Cal. Aug. 14, 2007), aff'd, 417 F. App'x 699 (9th Cir. 2011)(“... legal opinions are protected by the attorney client privilege and any news articles or other published works would be protected by the work product immunity.”

43. Please produce all documents identifying legal authority to support Defendants claimed defense of discretionary immunity for state law claims.

RESPONSE: OBJECTION. This request calls solely for legal opinion and attorney work product, which Defendants are not required to provide in discovery to an opposing party. See, FRCP 26(b) (parties may only obtain discovery regarding non-privileged matters); FRCP 26(b)(3)(B); *Republic of Ecuador v. Mackay*, 742 F.3d 860, 866 (9th Cir. 2014) (“If the court orders discovery ... it must protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of a party's attorney or other representative concerning the litigation”); *Ryan v. Editions Ltd. W., Inc.*, 2007 WL 2348724, at *3 (N.D. Cal. Aug. 14, 2007), aff'd, 417 F. App'x 699 (9th Cir. 2011)(“... legal opinions are protected by the attorney client privilege and any news articles or other published works would be protected by the work product immunity.”

44. Please produce all documents identifying third party notifications of pending public

records releases issued by the University of Washington Office of Public Records. This should include notification to the unions regarding the release of settlement agreements.

RESPONSE: OBJECTION. Overbroad; scope; beyond the scope of discovery as to what is proportional to the needs of the case in light of the claims alleged, and contains no reference to reasonable time frame or relation to the subject matter of this lawsuit. Defendants reserve the right to supplement this response if necessary following a ruling on Defendants' Motion for Summary Judgment.

45. Please produce all documents identifying notifications from the University of Washington Office of Public Records to persons who are named in the record or to whom the record specifically pertains, that release of a record has been requested, prior to public records releases.

RESPONSE: OBJECTION. Overbroad; scope; Vague and confusing, beyond the scope of discovery as to what is proportional to the needs of the case in light of the claims alleged. Defendants have already identified and produced copies of Complaints, Orders, and/or Agreements related to numerous other public records case---none involved issues similar those alleged by Ms. Dalessio here. It is unclear what is meant by reference to "persons who are named in the record or to whom the record specifically pertains." The individual to whom "the record" in this lawsuit pertains is Plaintiff Julie Dalessio. Other individuals referenced in "the record" are current or former University employees who searched for or otherwise processed public records requests for records related to Ms. Dalessio.

46. Please produce all documents identifying notifications of improperly released information, security breaches, SSN from the University of Washington.

RESPONSE: OBJECTION. Overbroad; scope; Vague and confusing ("notifications of improperly released information"); Relevance; Not likely to lead to the discovery

1 **of admissible evidence; Not proportional to the needs of the case.** There is no context
 2 as to which department within the University this request for production is seeking
 3 information from. Defendants have already identified and produced copies of Complaints,
 4 Orders, and/or Agreements related to numerous other public records case---none involved
 5 issues similar those alleged by Ms. Dalessio here. Plaintiff's categories are extremely
 6 overbroad ("improperly released information", "security breaches"), irrelevant ("security
 7 breaches"), and confusing ("notification of ... SSN".) Despite prior requests to narrow
 8 the scope of requests related to other, unrelated litigation, Plaintiff has failed to do so, and
 9 now continues with the same broad scope of request with no apparent relation or adequate
 10 basis establishing relevance, need, or proportionality to the needs of the case. Plaintiff's
 11 categories are extremely overbroad ("improperly released information", "security
 12 breaches"), irrelevant ("security breaches"), and confusing ("notification of ...
 13 SSN".) Defendant cannot answer this question as currently posed, but reserves the right
 14 to supplement this response if Plaintiff clarifies the question.

15
 16 47. Please produce all documents identifying notifications of improperly released information,
 17 security breaches, SSN from University of Washington Medicine.

18 **RESPONSE: OBJECTION.** See, response to Plaintiff's RFP No. 46. "UW Medicine"
 19 is a brand name and is not an employing organization separate from the University of
 20 Washington. All named Defendant-employees and identified witnesses are or were at
 21 relative times employed by the University of Washington, regardless of whether their
 22 positions were associated with the "UW Medicine" identifier.

23
 24 48. Please produce all documents, including memos, emails, memos re phone contacts,
 25 regarding search for and production/withholding of records pertaining to Dalessio. Please
 26 produce any and all documents to or from each person named in disclosures as persons
 27

1 having information pertaining to the public records releases indicated in this lawsuit.
 2 Documents from each person should be produced in separate files, labeled with each
 3 person's name, including: Eliza Saunders, Perry Tapper, Alison Swenson, Andrew
 4 Palmer, Shari Spung, Toni Kemp, Mindy Kornberg, Barb Benson, Cynthia Dold, Lori
 5 Oliver, Jeanie Miele, Paola Quinones, Karen Holloway, Rhoda Ashley Morrow, Odessah
 6 Visitacion, Matt Maria, Cheryl Manekia, Amy Robles, Patricia Van Velsir, Ana Marie
 7 Keeney, Tamara Schmautz, Steven Durant, Jennifer Klohe, Lauren Fischer, Christine
 8 Taylor, Marcelo Collantes, Daisy Rendario, James Fine, Sharon Risley, Larry Bell, Cheryl
 9 Sternberg, Kim Williams, and Rebecca Caulfield.

10 **RESPONSE: OBJECTION. Overbroad; relevance; not proportional to the needs of**
 11 **the case.** Without waiving said objections, Defendants have produced almost one
 12 thousand pages of transmittal information for the Betz request (15-00570) and Ms.
 13 Dalessio's request for her own records (16-00760), including copies of emails between
 14 OPR and the various University departments that potentially had documents responsive to
 15 Plaintiff's request. *See* UW002001-UW002952, which reflects all of the documents
 16 responsive to this request that have been located by University staff. Plaintiff can review
 17 the records to the same extent that Defendants can to the extent various names of current
 18 or former UW employees appear on transmittal emails related to search and production of
 19 documents, though Defendants have also outlined this information in Supplemental Initial
 20 Disclosures and prior responses to Plaintiff's First Discovery request.

21
 22 49. Please produce any depositions taken, or declarations or answers to interrogatories given
 23 in an earlier action in federal or state court, pertaining to production or withholding of
 24 records by the named defendants, Eliza Saunders, Perry Tapper, Alison Swenson, Andrew
 25 Palmer, and University of Washington (including Shari Spung, Toni Kemp, Mindy
 26 Kornberg, Barb Benson, Cynthia Dold, Lori Oliver, Jeanie Miele, Paola Quinones, Karen
 27 Holloway, Rhoda Ashley Morrow, Odessah Visitacion, Matt Maria, Cheryl Manekia,

Amy Robles, Patricia Van Velsir, Ana Marie Keeney, Tamara Schmautz, Steven Durant, Jennifer Klohe, Lauren Fischer, Christine Taylor, Marcelo Collantes, Daisy Rendario, James Fine, Sharon Risley, Larry Bell, Cheryl Sternberg, Kim Williams, and Rebecca Caulfield).

RESPONSE: OBJECTION. Scope; this request is not proportional to the needs of the case. Defendants have already identified and produced copies of Complaints, Orders, and/or Agreements related to numerous other public records case---none involved issues similar those alleged by Ms. Dalessio here. Despite prior requests to narrow the scope of requests related to other, unrelated litigation, Plaintiff has failed to do so, and now continues with the same broad scope of request with no apparent relation or adequate basis establishing relevance, need, or proportionality to the needs of the case.

50. Please produce any requests or standard form memorandum, from claims services or any AAG requesting a first-hand description of the incident to or from any University of Washington employees pertaining to Dalessio's tort claim.

RESPONSE: OBJECTION. Vague and confusing; calls for privileged information.

Communications between the University and the Attorney General's Office are subject to attorney/client & work product privileges. Additionally, documents and information in the Risk Management claim file are privileged and confidential pursuant to RCW 4.92.210. See, Privilege log previously produced to Plaintiff on August 31, 2018.

51. Please produce any first-hand description of the incident from any University of Washington employees pertaining to Dalessio's tort claim.

RESPONSE: OBJECTION. Scope; overbroad; relevance; potentially calls for privileged documents. Documents created by the AG related to Plaintiff's tort claim would be privileged under the attorney/client and/or work-product doctrine. Without waiving said objections, see Defendants' declarations produced in support of Defendants'

Motions for Summary Judgment and other pleadings. (*Dkts. 29, 30, 120, 121.*) Without waiving the foregoing objections, Defendants are unaware of written documents providing “first-hand description of the incident”; the facts evidencing the “incident” (response to public records request) are contained in the documents themselves (i.e. requests, search requests/transmittals, case summaries, responsive documents and letters outlining exemptions, and the documents withheld from production to Mr. Betz in response to PR-2015-570 (later produced only to Ms. Dalessio in response to her PR-2016-760 as no privacy or confidentiality issues arose with respect to producing information about her only to her).

See also, privilege log previously produced on August 31, 2018:

- Item 2: Assistant Attorney General Rob Kosin email to clients Eliza Saunders and Assistant Attorney General Nancy Garland re: Julie Dalessio communication.
- Item 9: Shari Spung Risk Management notes:
 - 11/29/16 Spung Risk Management notes re: telephone call with Perry Tapper
 - 11/29/16 Spung Risk Management notes re: telephone call with Alison Swenson
- Item 21-21a: Spung Risk Management file: 12/2 and 11/29 email from Alison Swenson fw’d documents

52. Please produce any documents identifying positions and job descriptions of persons identified in disclosures, (Eliza Saunders, Perry Tapper, Alison Swenson, Andrew Palmer, Shari Spung, Toni Kemp, Mindy Kornberg, Barb Benson, Cynthia Dold, Lori Oliver, Jeanie Miele, Paola Quinones, Karen Holloway, Rhoda Ashley Morrow, Odessah Visitacion, Matt Maria, Cheryl Manekia, Amy Robles, Patricia Van Velsir, Ana Marie Keeney, Tamara Schmautz, Steven Durant, Jennifer Klohe, Lauren Fischer, Christine Taylor, Marcelo Collantes, Daisy Rendario, James Fine, Sharon Risley, Larry Bell, Cheryl

1 Sternberg, Kim Williams, and Rebecca Caulfield). This information should include job
2 titles and responsibilities, salaries, and organizational charts.

3 **RESPONSE: OBJECTION.** Not proportional to the needs of the case; relevance;
4 duplicative. Without waiving said objections; Defendants have already produced
5 positions and job descriptions for University of Washington Office of Public Records
6 staff, Defendants Eliza Saunders, Perry Tapper, Andrew Palmer, and Alison Swenson. It
7 is undisputed the Office of Public Records was the department that accidentally produced
8 a non-completely redacted pages of Ms. Dalessio's records. Positions, job descriptions,
9 and organizational charts for the other employees are not relevant. See UW004166-
10 004180.

11
12 53. Please produce the personnel files of named defendants, Eliza Saunders, Perry Tapper,
13 Alison Swenson, Andrew Palmer.

14 **RESPONSE: OBJECTION.** Overbroad; Not likely to lead to the discovery of
15 admissible evidence; harassing; relevance; vague (personnel file). Without waiving
16 said objections, it is unclear exactly what parts of Defendant's personnel file Plaintiff is
17 requesting. Defendants reserve the right to supplement this response after further
18 discussion with Plaintiff's counsel clarifying this request.

19
20 54. Please produce all documents that were used to collect, documents collected, and
21 documents produced to the requestor for Public Records Act request PR 2018-00216.

22 **RESPONSE: OBJECTION.** May call for privileged/confidential documents;
23 harassing; not proportional to the needs of the case; not likely to lead to the
24 discovery of admissible evidence; relevance; overbroad. This PRA request is not at
25 issue in this lawsuit, was submitted after the lawsuit was filed, and Plaintiff already has
26 most and/or all of these documents related to the request and response/production process.
27 . Plaintiff was the requestor for this PRA request, and therefore already has all documents

produced to the requestor. Finally, documents collected but not produced fall under a PRA exemption and may be privileged/confidential. As Plaintiff's lawsuit is regarding *overproduction* with respect to one specific PRA request, specific documents withheld in response to different PRA requests are not relevant to Plaintiff's claims in this case.

55. Please produce any policies and procedures pertaining to records management at University of Washington.

RESPONSE: OBJECTION. Vague; relevance. Without waiving said objections, it is unclear whose policies and procedures pertaining to records management Plaintiff is request. For example, Defendants have explained in response to Interrogatory No. 4 that some records were stored in an offsite storage facility, which has its own records retention policies compared to how long individual departments may retain documents on-site. Defendant reserves the right to supplement this response after clarifying Plaintiff's request.

56. Please produce any policies and procedures pertaining to records management at University of Washington Medicine.

RESPONSE: OBJECTION. See, response to Plaintiff's RFP No. 55. "UW Medicine" is a brand name and is not an employing organization separate from the University of Washington. All named Defendant-employees and identified witnesses are or were at relative times employed by the University of Washington, regardless of whether their positions were associated with the "UW Medicine" identifier.

57. Please produce any other insurance policies that might be used to satisfy any judgment in this action.

RESPONSE: OBJECTION. Duplicative. This information has already been produced.

See UW004452-004461, Defendants' Initial Disclosures and Defendants Supplemental Initial Disclosures. See also, Dkt. 113, 30-32.

58. Please produce any and all documents identifying declarations or affidavits filed in court (either state or federal) signed by any current or past employee of the Office of Public Records and Open Public Meetings at the University of Washington. The scope of this request is from January 01, 2012 to January 01, 2017.

RESPONSE: OBJECTION. Scope; not proportional to the needs of the case; vague and confusing; unduly burdensome; Not proportional to the needs of the case. It is unclear what relevance "documents identifying declarations or affidavits filed in court ... signed by any current or past employee of the Office of Public Records" may have. Defendants have already identified and produced copies of Complaints, Orders, and/or Agreements related to numerous other public records case---none involved issues similar those alleged by Ms. Dalessio here. Despite prior requests to narrow the scope of requests related to other, unrelated litigation, Plaintiff has failed to do so, and now continues with the same broad scope of request with no apparent relation or adequate basis establishing relevance, need, or proportionality to the needs of the case.

Defendants reserve the right to supplement this response after clarifying which records Plaintiff is truly seeking.

59. Any and all documents identifying an "an action plan" developed by the University of Washington concerning "Information Security, Privacy and Identity Theft Prevention." The scope of this request is from January 01, 2015 to December 31, 2017.

RESPONSE: OBJECTION. Vague and confusing ("Action Plan.") Without waiving said objections, it is unclear what kind of "action plan" Plaintiff is referring to. Defendant reserves the right to supplement this response if Plaintiff clarifies this request.

60. Any and all documents identifying legal claims against the University of Washington regarding privacy issues. This includes, but is not limited to: employee privacy, Health Information Portability Accountability Act, Federal Education Rights and Privacy Act, etc. The scope of this request is from January 01, 2012 through January 01, 2018.

RESPONSE: OBJECTION. Vague and confusing (“Legal claims”, “privacy issues”); potentially calls for privileged/confidential documents; overbroad; not proportional to the needs of the case. Without waiving said objection, Defendants have already produced documents related to PRA claims against the University. See Defendants’ response and supplemental response to Plaintiff’s RFP No. 1; UW003005-004154. A request for “any and all documents” identifying “legal claims” regarding “privacy issues” is an extremely expansive request that seeks attorney-client and/or work-product privileged information. This documents, if capable of being produced at all, would require reviewing all documents and making appropriate redactions. Defendants have already identified and produced copies of Complaints, Orders, and/or Agreements related to numerous other public records case---none involved issues similar those alleged by Ms. Dalessio here. Despite prior requests to narrow the scope of requests related to other, unrelated litigation, Plaintiff has failed to do so, and now continues with the same broad scope of request with no apparent relation or adequate basis establishing relevance, need, or proportionality to the needs of the case.

61. Any and all documents identifying legal claims against the University of Washington Medical Center regarding privacy issues. This includes, but is not limited to: employee privacy, Health Information Portability Accountability Act, Federal Education Rights and Privacy Act, etc. The scope of this request is from January 01, 2012 through January 01, 2018.

RESPONSE: OBJECTION. See, response to Plaintiff’s RFP No. 60. the University of Washington Medical Center is not a separate entity from the University of Washington in

the context of being a party to a lawsuit. All named Defendant-employees and identified witnesses are or were at relative times employed by the University of Washington, regardless of whether their positions were associated with the “UW Medicine” identifier. Defendants have already identified and produced copies of Complaints, Orders, and/or Agreements related to numerous other public records case---none involved issues similar those alleged by Ms. Dalessio here. Despite prior requests to narrow the scope of requests related to other, unrelated litigation, Plaintiff has failed to do so, and now continues with the same broad scope of request with no apparent relation or adequate basis establishing relevance, need, or proportionality to the needs of the case.

62. Any and all documents identifying the current organizational structure of the Office of Public Records and Open Public Meetings for the University of Washington. These documents should identify the employees, the employees job titles, responsibilities, and supervisors.

RESPONSE: OBJECTION. DUPLICATIVE. This has been requested and responded to in previous discovery requests, and is therefore duplicative. Without waiving the foregoing object, the OPR does not have a formal “organizational chart prepared.” The staff in the office currently consists of the following employees:

Eliza A. Saunders, Director

Perry Tapper, Compliance Officer

Tisa Escobar, Compliance Officer

Alison Swenson, Compliance Analyst

Andrew Palmer, Compliance Analyst

Kathleen Burns, Compliance Analyst

At times, the office also utilizes temporary staff or student-employees to assist with data input.

63. Any and all documents identifying current insurance policies and procedures regarding

liability coverage for the University of Washington Laboratory Medicine.

RESPONSE: OBJECTION. See, response to Plaintiff's RFP No. 57. "UW Medicine" is a brand name and is not an employing organization separate from the University of Washington. All named Defendant-employees and identified witnesses are or were at relative times employed by the University of Washington, regardless of whether their positions were associated with the "UW Medicine" identifier.

64. Any and all documents identifying UW Medicine compliance audits for the subject matter: Health Insurance Portability and Accountability Act (HIPAA) and State patient information privacy laws. The scope of this request is from January 01, 2010 to May 01, 2018. For your convenience when searching for this record the link to the policy statement describing the UW Medicine compliance audits is here:

http://depts.washington.edu/comply/comp_003/

RESPONSE: OBJECTION. Relevance; potentially seeks privileged and/or confidential documents. Defendants reserve the right to supplement this response if necessary following a ruling on Defendants' Motion for Summary Judgment.

65. A copy of the signed agreement between the University of Washington and the United States Department of Health and Human Services regarding the unlawful disclosure of protected health information (PHI) under the Health Insurance Portability and Accountability Act (HIPAA). It is believed this agreement was signed entered into on or about the year 2015. For your assistance in finding this record, this is a link to the United States Health and Human Services website announcing the fine and the agreement.

<https://www.hhs.gov/hipaa/for-professionals/compliance-enforcement/agreements/university-of-washington-medicine/index.html>

RESPONSE: OBJECTION. Relevance; Vague. Without waiving said objections, it appears an unsigned version of the agreement Plaintiff is requesting can be found at:

1 <https://www.hhs.gov/sites/default/files/uw-ra-and-cap.pdf>. Defendants reserve the right to
2 supplement this response if necessary following a ruling on Defendants' Motion for
3 Summary Judgment.

4
5
6 Dated: September 28, 2018

7
8 LAW OFFICE OF JOSEPH THOMAS, PLLC

9
10 By: /s/ Joseph Thomas
Joseph Thomas, WSBA #49532
Attorney for Plaintiff

11
12 14625 SE 176th St., Apt. N101
Renton, WA 98058
13 Phone: (206) 390-8848
Email: joe@joethomas.org

14
15
16 **Certificate of Service**

17 I hereby certify that on 28th of September 2018, I filed the foregoing with Defendants
18 through electronic mail.

19 /s/ Joseph Thomas
Joseph Thomas, WSBA 49532
20 14625 SE 176th St., Apt. N101
Renton, WA 98058
21 (206) 390-8848

1 The foregoing objections and responses were asserted in good faith pursuant to
2 FRCP 26 and 33.

3 DATED: October 29, 2018

4 KEATING, BUCKLIN & McCORMACK, INC., P.S.

5
6 By: /s/ Jayne L. Freeman

7 Jayne L. Freeman, WSBA #24318

8 Special Assistant Attorney General for Defendants

9 800 Fifth Avenue, Suite 4141

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FAX: (206) 223-9423

DECLARATION OF SERVICE

I declare that on October 29, 2018, I caused a true and correct copy of the foregoing document to be served on the party listed below *via email*.

Attorney for Plaintiff

Mr. Joseph Thomas
14625 S.E. 176th St., Apt. N-101
Renton, WA 98058-8994
(206)390-8848
joe@joethomas.org

DATED: October 29, 2018

/s/ Jayne L. Freeman

Jayne L. Freeman

KEATING, BUCKLIN & MCCORMACK, INC., P.S.

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